



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 8/3/2021

ORM Number: SWG-2020-00198

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: Rockport County/Parish/Borough: Aransas

Center Coordinates of Review Area: Latitude 28.05689 Longitude -97.06497

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
WP1001	0.11 Acres		(b)(1) Non-adjacent wetland.	The wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial barrier, or similar artificial structure.
WP1002	2.60	acre(s)	(b)(1) Non-adjacent wetland.	This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial barrier, or similar artificial structure.
OWP1001	1.81	acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	OWP1001 was constructed or excavated wholly in upland or in non-jurisdictional waters and it is not an impoundment that meets the conditions of (c) (6). Based on historical topographic maps there is no evidence that the water is an impoundment of a jurisdictional water meeting the conditions of paragraph (c) (6).

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: [Perennial Environmental Services \(PES\)](#) submitted a wetland delineation on 11 March 2020 to include aerial photographs from Google Earth 06/15/16, 08/05/17 and 01/01/20, topographic maps and data sheets.

This information is and is not sufficient for purposes of this AJD.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Rationale: We were not able to verify the information in the applicant's submitted documents until our desktop review was completed.

- ☐ Data sheets prepared by the Corps: Title(s) and/or date(s).
- ☒ Photographs: Aerial: PES submitted a wetland delineation on 11 March 2020 to include aerial photographs from Google Earth 06/15/16 and 08/05/17.
- ☐ Corps site visit(s) conducted on: Date(s).
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): SWG-2016-01054
- ☒ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☒ USDA NRCS Soil Survey: Submitted by PES on 11 March 2020
- ☒ USFWS NWI maps: NWI Mapper Submitted by PES on 11 March 2020
- ☒ USGS topographic maps: USGS titled: Rockport, Texas 2016, ed, Submitted by PES on 11 March 2020

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	PES submitted USGS maps titled: Rockport, Texas
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	FEMA Panel 48007C0240G Effective 17 February 2016

B. Typical year assessment(s): In an effort to determine adjacency (as it pertains to hydrologic trends and the subject aquatic resources verified by SWG) an analysis was done using the APT tool, elevation data, aerial imagery & other relevant site-specific information. The APT is a tool that affords the user the capability to look at rainfall at a specific location in the recent past compared to long term precipitation. It provides results for short term precipitation (last 72 hours), the last 3 months (WETS score) and the APT result comparing the last 30 years from numerous nearby gages. It also reports the PDSI (drought index) rainfall & WebWimp water balance/hydrologic seasons information. WETS analysis produces a score between 6 and 18 noting a score of 6-9 is drier than normal, 10-14 is normal & 15-18 is wetter than normal. The APT uses climatic data collected from numerous nearby weather stations and produces the most reliable source for a full 30 years of precipitation data). Here are the long term and short term response for the APT test for aerials & site visit. APT data concluded that the aerial taken from 01/01/20 occurred during wetter than Normal conditions with a WETS score of (15). APT data concluded that the aerial taken 06/15/2016 showed wetter than Normal conditions with a WETS score of (14). APT data concluded that the aerial taken 08/05/17 showed wetter than normal conditions with a WETS score of (12). The Aquatic Resources (ARs) within the review areas are located outside of the 100-year flood plain of any water of the United States and are lacking confined hydrological surface connection to any water of the United States.

Source	Date	WETS	APT Condition	Season	PDSI	Preceding 72 hr Rainfall
GE Aerials	01/01/20	15	Normal Conditions	Wet	Moderate Drought	~0.25"
GE Aerials	06/15/16	14	Normal Conditions	Wet	Moderate Drought	0
GE Aerials	08/05/17	12	Normal Conditions	Wet	Moderate Drought	~0.25"



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C. Additional comments to support AJD: [OWP1001](#) was used as a borrow pit for building of the State Highway 35.